

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CASE NO. DNCW3:03CR83-2
)
)(Financial Litigation Unit)
MELVIN WESLEY CHAMBERS,)
)
and)
)
STAFFMARK,)
 Garnishee.)

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the answer of Staffmark, as Garnishee. On August 17, 2004, the Honorable Richard L. Voorhees sentenced Defendant to five years of probation for his conviction of Possession of Stolen Goods by Interstate Commerce in violation of 18 U.S.C. §659. Judgment in the criminal case was filed on September 22, 2004 (Docket No. 55). As part of that Judgment, Defendant was ordered to pay an assessment of \$100.00 and restitution of no more than \$20,000.00 to the victims of the crime. *Id.*

On April 5, 2012, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No. 88), to Garnishee, Staffmark, ("Garnishee"). The United States is entitled to a wage garnishment of up to 25% of net income and has satisfied the prerequisites set forth in 15 U.S.C. §1673. Defendant was served with the Writ on May 4, 2012, and Garnishee was served on April 10, 2012. Garnishee filed an Answer on June 1, 2012 (Docket No. 91), stating that at the time of the service of the Writ, Garnishee had in their custody, control or possession property or funds owned by Defendant, including non-exempt, disposable earnings. The Answer also stated that Defendant's wages are currently being garnished for delinquent North Carolina State taxes in the amount of 10% of the gross income per pay period. State and federal tax garnishments are not subject to the same

percentage limitations as other types of garnishments. *See* 15 U.S.C. §1673.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$19,346.88 computed through April 4, 2012.

IT IS FURTHER ORDERED that upon full payment of the delinquent North Carolina State taxes currently being garnished from Defendant, Garnishee will pay the United States up to 25% of Defendant's net earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments, and Garnishee will continue said payments until the debt to the United States is paid in full or until Garnishee no longer has custody, possession or control of any property belonging to Defendant or until further Order of this court.

Payments should be made payable to the United States Clerk of Court and mailed to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:03CR83-2.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this debt.

Signed: June 28, 2012



David C. Keesler
United States Magistrate Judge 